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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,418	08/03/2001	David B. Masters	99999.37JFD	8113

22859 7590 06/17/2005

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MINNEAPOLIS, MN 55402

EXAMINER

WEBMAN, EDWARD J

ART UNIT	PAPER NUMBER
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1616

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/922,418	<b>Applicant(s)</b> MASTERS, DAVID B.	
	<b>Examiner</b> Edward J. Webman	<b>Art Unit</b> 1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-98 and 133-168 is/are pending in the application.
- 4a) Of the above claim(s) 1-49, 53, 56-60, 67-98 and 133-168 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 50-52, 54, 55 and 63-66 is/are rejected.
- 7) ☒ Claim(s) 61, 62 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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Claims 1-98 and 133-168 are pending. Claims 1-49, 53, 56-60, 67-98, 133-135 and new claims 133-168 are withdrawn from consideration as directed to non-elected inventions.

Applicant is advised that this application does not comply with the sequence rules set forth in 37 CFR 1.821 et seq for the sequences disclosed in Table A on page 26. A sequence listing according to the rules in paper and computer readable form is required as well as a statement that the two are the same.

This action is made non-final to afford applicant the opportunity to comply with the sequence rules.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 50-52, 54, 55, 63-66 are rejected under 35 U.S.C. 102(b) as being anticipated by McKnight et al (US 3,800,792).

McKnight et al teach a collagen film dressing (title) impregnated with finely divided silver (abstract). Glutaraldehyde is disclosed as a tanning agent (column 4, line 24). Water is specified (column 3 lines 54-55). Compression is disclosed (column 4 line 42).

Applicants argue that gel formation and tanning in McKnight et al preclude formation of the claimed cohesive body. Applicant defines the cohesive body as an at

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least partially dried film which has been "formed", which includes folding, rolling, crumpling or otherwise shaping such that the surface area is less than that of the unshaped film on page 6 lines 3-5 of the instant specification . On page 17 lines 4-5 of the instant specification, "cohesive" is defined as a state achieved after the film is "preferably dried sufficiently" such that it "preferably sticks to itself rather than to other materials." McKnight et al teach adding petroleum ether to the aqueous dispersion of collagen the purpose of preventing complete self-bonding of the collagen fibers after reconstitution (column 3 lines 60-63). Further, the glutaraldehyde, tanning agent reacts with the amine moieties of the collagen, leaving other moieties of the protein, such as carboxylic acid groups free to interact. That is, it is argued that the collagen fibers in the McKnight et al film have not all self-bonded and that, even after tanning with glutaraldehyde, there are moieties remaining such that the film will be adhesive. The definition of the cohesive state as one where the film "preferably" sticks to itself includes an adhesive film which may stick to things other than itself. The reduction in thickness of the collagen film to half its size disclosed in McKnight et al (column 4 lines 29-32) constitutes "forming" by "otherwise shaping" such that the area of the original film is reduced.

Claims 50-52, 54, 55, 63-66 are rejected.


Claim 61 and 62 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. This statement is directed to the claims as limited to the elected species of silicone in claim 62.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Webman whose telephone number is 571-272-0633. The examiner can normally be reached on M-F from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, G. Kunz, can be reached on 571-272-0887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**EDWARD J. WEBMAN  
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